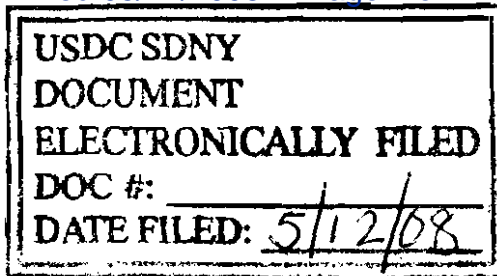


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----x
Baby Bean Productions LLC,

Plaintiff,

07-CV-3616 (MGC)

v.

PLAINTIFF'S MOTION TO
AMEND THE COMPLAINT

DC Shoes Inc.,

Defendant.
-----x

MEMO ENDORSED

Plaintiff brings the instant motion to amend the complaint pursuant Fed. R. Civ. P. 15(a). Plaintiff seeks to add Defendant's wholly owning parent corporation, Quicksilver, Inc., as a party, bringing two causes of action against it.¹

I. Summary of the Case

Plaintiff provides entertainment services under the mark "King of New York." Plaintiff and its immediate predecessors in interest have provided entertainment services under the mark since 1995.

Plaintiff initiated the present action on May 7, 2007 after learning that Defendant had used Plaintiff's mark in connection with Defendant's own entertainment services. Defendant filed its answer on July 5, 2007. No scheduling order has been entered in the case.

¹ In an effort to preserve its choice of forum in the event that the Court denies the instant motion, Plaintiff has commenced concurrently herewith a distinct action against Quicksilver, Inc., on the same counts contained in the proposed amended complaint. Plaintiff has not served the newly filed complaint and will do so only in the event that the Court denies the instant motion. In the event that the Court grants Plaintiff's instant motion, Plaintiff will voluntarily dismiss the new action. The newly filed action is case number 08-CV-3596.

Motion to amend complaint granted. For oral opinion, see record of proceedings. Plaintiff is directed to withdraw 08 Civ. 3596, a complaint that has not been served so ordered.
May 8, 2008
/ United States District Judge